

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

v.

JAMIE EDELKIND

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)
) **CRIMINAL NO.**
) **04 – 10066 MEL**
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**DEFENDANT JAMIE EDELKIND’S RESPONSE TO MOTION OF
THE UNITED STATES TO PARTIALLY VACATE
PRELIMINARY ORDER OF FORFEITURE**

The defendant Jamie Edelkind (“Edelkind”) is the sole defendant in the criminal action that produced the Preliminary Order of Forfeiture. The Amended Judgment ordered forfeiture “as set forth in the preliminary order.” Edelkind has appealed the Amended Judgment, including the order of forfeiture.

The government has now moved to vacate the Preliminary Order of Forfeiture only with respect to the real property located at 940 Nantasket Avenue in Hull Massachusetts. It has so moved in order to permit Lehman Brothers Bank, FSB, which apparently holds the first mortgage on the property, to commence foreclosure proceedings.

To the extent he has standing and to the extent this court has jurisdiction to modify the Preliminary Order of Forfeiture to permit the foreclosure proceedings contemplated, Edelkind does not object. Edelkind objects, however, to the proposed Order the government attached to its

motion to the extent the government seeks thereby that any surplus after foreclosure be deposited with the court. The government may waive its forfeiture claims with respect to the real property, but it may not at this stage alter those claims.

By his attorney,

Michael J. Liston BBO# 301760
2 Park Plaza, Suite 610
Boston, MA 02116
(617) 426-2281

Dated: December 22, 2005